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Attorney for CITIMORTGAGE, INC., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§	CASE NO. 11-31522-H3-13
	§	
BRIAN R. WOODS	§	CHAPTER 13
LADONNA T. WOODS	§	
Debtors	§	

**RESPONSE OF CITIMORTGAGE, INC.ITS
ASSIGNS AND/OR SUCCESSORS IN INTEREST TP DEBTORS'
OBJECTION TO CLAIM #21 OF CITIMORTGAGE, INC.
[REFERS TO DOCKET #66]**

TO THE HONORABLE BANKRUPTCY JUDGE LETITIA Z. PAUL:

COMES NOW CITIMORTGAGE, INC., ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST (hereafter "Citi") a secured creditor in the above referenced Bankruptcy Case and files this it's Response to Debtors' Objection to Claim #21 of CitiMortgage, Inc. (hereinafter "Objection") and shows the Court as follows:

1. Citi admits the allegations contained in paragraph 1 of the Objection.
2. Citi admits the allegations contained in paragraph 2 of the Objection.
3. Citi admits the allegations contained in paragraph 3 of the Objection.
4. Citi admits the allegations contained in paragraph 4 of the Objection.
5. Citi admits the allegations contained in sentence 1 of paragraph 5 of the Objection to the extent that the initial post-petition mortgage payment due March 1, 2011 was \$1,208.10 per month. Citi denies the allegations contained in sentence 2 of paragraph 5 to the

extent that the escrow analysis attached to the Proof of Claim sets the mortgage payment effective May 2012 at \$1,194.13 per month.

- a. Attached to the Proof of Claim is the Loan Modification Agreement executed effective May 8, 2007. Pursuant to paragraph 4 of the Loan Modification Agreement, past due payments totaling \$14,601.16 had been deferred to the maturity date of the loan or the date the loan was paid off, provided that the Debtors made their payments in accordance to the terms of the Loan Modification Agreement. The monthly statement dated December 14, 2010 attached as Exhibit A to the Objection did not include the \$14,601.16 differed amount as it had not elected at that time to enforce its right under the terms of the Loan Modification Agreement to accelerate payment of that amount,. The arrearage amount included with in the Proof of Claim filed by Citi includes that deferred amount. Citi therefore denies the allegations contained in paragraph 5a of the Objection.
- b. Citi denies that it is required to by bankruptcy rule 3001 to separate the escrow component of the delinquent mortgage payment form the P&I component. Citi therefore denies the allegations contained in paragraph 5b of the Objection.
- c. Citi denies the allegations contained in paragraph 5c of the Objection.

WHEREFORE, PREMISES CONSIDERED, CITIMORTGAGE, INC SUCCESSOR BY REASON OF MERGER WITH CITIFINANCIAL MORTGAGE COMPANY, INC. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST prays that this court deny the Objection and for any and such further relief to which CITIMORTGAGE, INC SUCCESSOR BY REASON OF MERGER WITH CITIFINANCIAL MORTGAGE COMPANY, INC. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST may be justly entitled.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
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/s/ MITCHELL J. BUCHMAN
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served on October 7, 2013.

Service was accomplished in the manner indicated below:

/s/ MITCHELL J. BUCHMAN
MITCHELL J. BUCHMAN
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BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL:

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Debtors'
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Parties Requesting Notice:

NONE